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Public Health Committee

Public Hearing

March 3, 2008

RE: HB 5701 and RB 5730

Rivers Alliance is the statewide, non-profit coalition of river organizations, individuals and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.

Dear Senator Handley, Representative Sayers, and Members of the Committee:

RE: HB No. 5701, AAC Revisions to Statutes Pertaining to the Department of Public Health

We write with concern about changes proposed in Sec. 4 of RB 5701, which would amend Section 19a-209c of the 2008 supplement to the general statutes. These changes refer to notification requirements for subsurface sewage disposal systems. Such systems include the so-called advanced treatment systems (ATS).

Since last year, the Department of Public Health (DPH) has had regulatory authority over small ATS systems, that is, those under 5,000 gpd. DPH has not, however, written regulations for ATS. The larger systems are regulated by the Department of Environmental Protection (DEP). Testimony before the Environment Committee in 2007 and 2008 provided data from DEP and technical journals indicating that ATS systems have a failure rate in the range of 50 percent of tests. About 10 percent function reliably as promised. The risks associated with ATS is why in this state they are banned from drinking-water watersheds.

Therefore, we ask that the committee not change the existing language that requires notification of abutting neighbors on private wells when the DPH has been asked to authorize ATS to be installed or repaired. It had not occurred to me last year that there would be a problem connected with ATS being installed near a public well because of the existing ban. However, there may be some circumstances where ATS might be installed on a property adjacent to Class I or II land. **Therefore, we ask the committee to extend the existing notification requirement to owners of abutting properties on which there are public water-supply wells.**

RE: RB No. 5730, AAC Environmental Health

Section 1 changes the language relating to DPH's role under section 25-33(b), which addresses the construction or expansion of a water supply, including the development of a new water source. The entire section as it exists now seems to overlap with the laws and regulations governing water supply plans and the water utility coordinating committees. We ask here for clarification of the proposed changes, and make a suggestion.

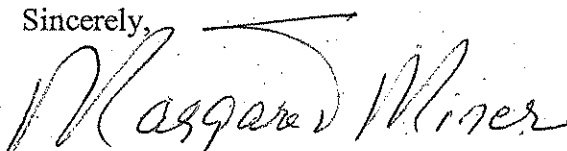
The changed language adds a requirement that the DPH consider "the proposed controls and land use measures that assure purity and adequacy of the new source." The changed language deletes a requirement that DPH "consult with and advise any water company as to proposed sources of water supply and methods of assuring their purity and adequacy." Water-purity advocates gain a specific reference to land use vis a vis water purity. But we seem to lose the requirement that DPH consult with the water company concerning other sources of water supply.

If I have understood the text correctly, I suggest the following change in the language to be inserted in Subsection (b), identified as issue (2). It incorporates deleted language:

(2) sources of water supply available for the area to be served by the new source and proposed controls and land use measures that assist in assuring purity and adequacy of the new source.

Thanks for your consideration and attention to water supply for Connecticut.

Sincerely,

A handwritten signature in cursive script that reads "Margaret Miner". The signature is written in dark ink and is positioned above the printed name and title.

Margaret Miner,
Executive Director